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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,349	09/25/2003	Noboru Tsuji	0965-0414P	6628
2292 7590 08/21/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER HAIDER, FAWAAD	
			ART UNIT	PAPER NUMBER
			3627	
			NOTIFICATION DATE	DELIVERY MODE
			08/21/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.		Applicant(s)	
	10/669,349		TSUJI, NOBORU	
	Examiner		Art Unit	
	Fawaad Haider		3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/25/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsukuni et al (2003/0204468) in view of Jayaraman et al (5,287,267).

Re Claims 1,5: Mitsukuni discloses determining a standard deviation based on a difference between an actual received order quantity in each unit period and an average received order quantity (see [0032, 0045, 0051]); and controlling a stock quantity by use of a safety stock quantity based on said standard deviation (see [0046, 0048, 0050-0051]). However, Mitsukuni fails to disclose determining a standard deviation only when said actual received order quantity exceeds said average received order quantity. Jayaraman discloses determining said standard deviation using a value of said difference between said actual received order quantity and said average received order quantity only when said actual received order quantity exceeds said average received order quantity (see Abstract). It would have been obvious to one of ordinary skill in the

Art Unit: 3627

art at the time of the invention to modify Mitsukuni's invention with Jayaraman's disclosure of calculating a standard deviation when the actual quantity exceeds the average quantity, in order to assure "that a specified service level is met for all products and minimizes expected excess part inventories."

Re Claims 2,5: The examiner takes Official Notice about disclosing wherein said standard deviation is determined using said average received order quantity calculated only from said actual received order quantities taking positive values. The quantity shipped, whether average or actual, will always be above zero and therefore be positive.

Re Claim 3,5: Mitsukuni discloses wherein said standard deviation is determined using said average received order quantity calculated only from said actual received order quantities taking positive values, and also using only said unit periods, when said actual received order quantities take positive values, as a population parameter (see [0058]).

Re Claim 4,5: Mitsukuni discloses wherein a number of said unit periods to be targeted is itself used as a population parameter for determining said standard deviation (see [0058]).

Re Claim 6: Mitsukuni fails to disclose the following limitation. Jayaraman discloses wherein an article to be ordered is a component part of an automobile or an accessory part of an automobile (see Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mitsukuni's invention with

Art Unit: 3627

Jayaraman's disclosure of an automobile part because the invention can track all sorts of different parts, including automobile parts.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shipman (5,819,232) discloses a method and apparatus for inventory control of a manufacturing or distribution process. Ettl et al (5,946,662) discloses a method for providing inventory optimization. Scheer (2002/0138358) discloses a method for selecting a fulfillment plan for moving an item within an integrated supply chain. Jenkins et al (2002/0188499) discloses a system and method for ensuring order fulfillment. Cargille et al (2003/0050826) discloses a graphical user interface (GUI) for capacity-driven production planning tool. Agarwal et al (2003/0101107) discloses an inventory management system and method. Morenz et al (6,643,556) discloses a method for optimizing a supply-consumption operation. Kakouros et al (7,249,068) discloses a spot market-based inventory planning.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fawaad Haider
Examiner
Art Unit 3627

FIH

 8/15/07
F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER